

Liberty THE ~~English~~ *Liberty*
26
Liberties and Customes
OF THE
MINERS.

WITH
Extracts from the Bundles of the Exche-
quer and Inquisitions: taken in the Reigne of
King EDWARD the first: and continued ever
since, under the most favourable Kings and
Queenes of this Kingdome of
ENGLAND.



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From the Bundles of the Exchequer,
and the Inquisition of the yeare
of the Reigne of King
Edward the first,
the xvj.

Derby.

E *Dward* by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine; to the Sheriffe of the Countie of Derby greeting: Know yee that wee have assigned our faithfull and well-beloved *Reignald* of the *Ley* and *William* of *Menill* to inquire by the oaths of good and lawfull men of your Countie, by the which the truth may best be kown, of the liberties which our Miners do claime to have in those parts, and which they have hitherto used to have, and by what meanes, and how, and from what time, and by what warrant: And therefore wee do command thee, that at a certaine day and place which the said *Reignald* and *William* shall appoint thee, thou shalt cause to come before them, so many and such good and lawfull men of thy Baili wike by the which the truth may there the best be knowne in the premisses by the enquirie, and that thou have there the Writ. Witnesseth, our well-beloved Cousin *Edmund* Earle of Cornwall at Westminster, the xxviij. day of April, in the year of our Reigne the xvj. by *William* of *Hambleton*, and at the instance of *Hugh* of *Cresingham*. The day is appointed at Ashbourne upon Saturday next after the Feast of the *Holy Trinitie*.

An Inquisition taken at Ashbourne upon Saturday next after the *Holy Trinitie*, in the yeare of the Reigne of *Edward* the first the xvj. before *Reignald* of the *Ley*, and *William* of *Meignill*; Of the liberties which the Miners of the said Sovereigne Lord the King in the Peake do claime to have in those parts, and which they have hitherto used to have in those parts; By what meanes, and how, and from what time, and by what warrant;

By the Oath of

Thomas Foliame,
William Hawley,
Ralph Cotterill,
William of Longsden,
John of Tearture,
Clement of Ford,

William of Bradlaw,
Peter of Rowland,
Richard of Longsden,
Iur William son of the
Smith of Bradwall,
Henry Foliambe,
John of Longsden.

All Inrors.

Of the new
field.

Who say upon their Oaths, that in the beginning when the Miners did come to the field, seeking for a Mine and finding a Mine, they did come to the Bailiffe, which is called Barghmaster, and did desire (if it were a new field) that they might have two meeres of ground; that is to say one for the finding thereof, and the others by the Miners fine, viz. paying a meere dish of his first Oare.

An old worke
and length of a
meare.

2. And the Miners desired also in an old work of right to be measured to the said Miners, everie meere to contain foure measures, and the hole of the Mine to be seven foot wide or broad.

The length of
the measure.

3. And every measure shalbe of 24. foot, and the King shall have the third meere next the Finder, and the other two meeres shalbe delivered to the worke-man; finder of the new Mine, by the Barghmaster.

The King to
have a third
meare in a new
field.

4 And in an old field, every workman demanding such work, one meere in the field of our Sovereigne Lord the King.

The King is to
have the thir-
teenth dish for
lot.

5 And the King shall have the xiii. dish, or measure of Oare, which is called the lot.

For what
cause lot is
paid.

6 And this hath been used, and for this our Sovereigne Lord the King shall find unto the Miners free ingresse and egress, into and from their mines, to carry and beare their Oare unto the Kings high-way.

The King shall
have oare, gi-
ving as much
as another.

7 And the Jury do say, that they are used for caving in mines, that our Sovereigne Lord the King shall have the buying of their Oare before all other, giving as another will.

An exception,

8 And if the Miners have received any money of any other man before-hand for his Oare, then the Miners shall pay their debts, without any let of the Barghmaster, so that this be with-

out

out fraud or deceit : or els the King shall have the oare before all other.

9 And the Jury say further upon their oaths, that it is, and shalbe lawfull, to the Miners, to sell, give, and assigne his grove or meere of ground, or any part thereof, without the licence of the King, or Barghmaster.

10. And this hath been used time out of memorie of man, in all the territories and liberties of the high Peake unto this time, save in a certain place there called *Man Dale*, in which place all buyers of Oare are prohibited to buy Oare, by the space of four yeares last past, by the Barghmaster.

11. And for what cause the Miners may maintaine their rights and customes above-said, the said Jurie do say, that the ancient custome of the mine is, that the Pleas or Courts of the Barghmaster ought of right to be kept and holden yearly upon the mines from three weeks to three weeks.

12. And the Jurie say upon their oaths, that if any Miner be slaine by any mis-fortune, that such Miner shall be buried without the view of the Coroners of the said Countie, by the view of Miners.

13. And if any person or persons be convicted of any small trespassse, he ought to pay for his amercement two pence, and that to be the same day paid: or else to double the same amercement, till it come to five shillings and foure pence.

14. If any bloud be shed upon the mine, the author shall pay five shillings and foure pence the same day, or else shall double the same everie day, till it come to an hundred shillings.

And, If anie Miner do anie trespassse under the ground to his fellow, he shall paie for his amercement five shillings and foure pence, and satisfie his fellow the full value of the trespassse.

That all Miners may lawfully sell their meare at pleasure.

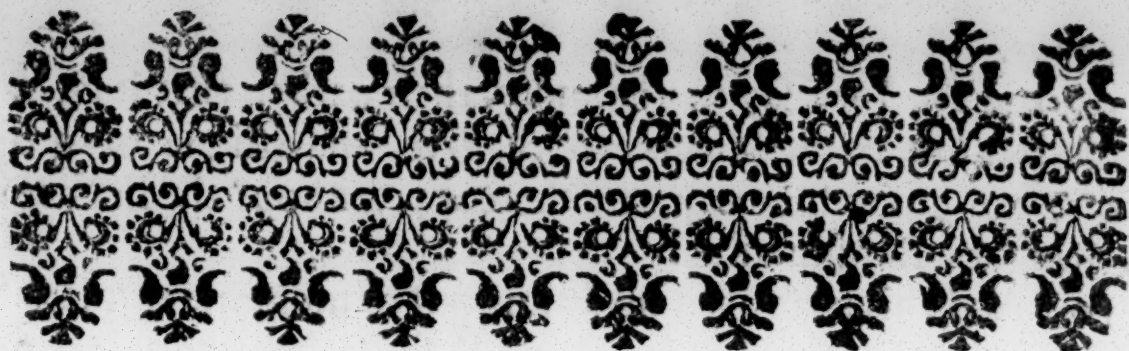
An expection.

Courts of the Barghmaster to be kept every three weeks. The Coroner of the Countie not to view the body of any Miner.

What fine is to be paid for smal trespassses. Every bloodshed 5 s. 4 d.

For every trespassse made in anothers meare is 5 s. 4 d. for the recompence of the parties.

FINIS.



In Dei Nomine. Amen.

Of a new field.

*The Lord of
the field to
have a meare.*

*A meare of
ground what in
length.*

*Wives to have
Dower in
meares.*

*How the worke
is to be fol-
lowed.*

*For lettings by
Water.*

First time that the new mine was found, the Merchant and the Miners chose them a Barghmaster for to deliver unto the Finder of the mine two mears, and to the Lord of the field a mear nigh to the said two mears on the one partie; or else halfe a mear on the one side of the said mear, and another halfe on the other side, at his owne election; and after that, the Barghmaster shall deliver to the Miners mears to work after the Law of the mine; and a mear shall containe in length ten wands and seven foot, that is to say, eightie and seven foot, there alway as the mine goeth between two wals. And the Miners shal have their mears to them and to their heirs for ever, but if they be forfeit by the Law of the mine to the Lord, and their Wives shall have Dowers in the said mears; but if they be forfeit, they are as afore-said.

And the Miners shall work their mears duly; and shall chase their stole, on that one part there as he may find mine between two wals in the naturall way, till he come to the meare stake, and then his neighbours next him shall chase the stole in the same manner, and so the stole shall be chased from meare to meare, but if it be letted by water.

And

The Liberties and Customes, &c.

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And then the Barghmaster shall see that the mine bee wrought duly, and where hee findeth a meare unwrought, hee shall score on the spindle one score; and so from weeke to weeke he shall visit the field, and see that the Mines be wrought: And if hee find any meare standing unwrought three weeks together, hee shall score three scores on the spindle, and deliver it to him that will work it, as the Law will; but if it be borrowed and replevied, as the law of the mine will at the third weeks end.

And then the Lords and the Miners shall ordaine them a convenient measure by which the Lord shall receive his lot, and the Miners shall sell their mine.

And the Miner abiding upon his mear, shall have delivered to him by the Barghmaster, a sufficient place for his Lodge, and for his Cottage; with sufficient Houseboot, and Hayboot, and all manner of Timber for their grove, delivered by the Lords, or by his Fosters (if they have sufficient within their Lordship) else the Miners shall buy them at their proper cost in other Lordships: and then the Lord shall take lot, and then it shall be lawfull for them to carrie their Mine whethersoever them list, and burne it, and do with it what them likes best, without disturbance of the Lord or of any of his Officers.

And the Miners and Merchants, of the said Mine, shall be quit of all dammage and all other Customes, as farre as the Lordship lasteth, and in all places as the Lord may spend 4.d. by the year.

And the Miners shall have for their beasts pasturing with the Lords beasts, in his Wafts, except his fenced Parks, Meadowes, and sowed Fields, and then no Minister of the Lords shall pind them nor distraine them; for no Article of the Mine within the Fraunchise of the Mine, but only the Barghmaster and the Lord.

Also the Steward shall hold yearly on the Minerie, at their owne will Courts, and two great Courts everie year, and if any Miner or other person be attaint for stealing of Oate, first he shall be merced in it 5.s. 4.d. the which four pence, the Barghmaster shall have; and if he be attainted again, he shall be merced.

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ced in 10.s. 8.d. the which 8.d. the Barghmaster shall have : and if he be attainted the third time for stealing of Mine, he shall be taken and stricken through the right hand in the palme with a knife up to the hest into the stow, and there he shall stand till he be dead, or else cut himselfe loose, and then he shall forswear the Fraunchise of the Mine.

*Of orders on
the mine to a-
bide in the
Barghmaster's
keeping.*

*The office of
the Steward
touching felony
on the mine.*

*A bloudshed is
5 s. 4 d.*

*Fines for tre-
spasses commit-
ted in mines.*

*Weights and
measure.*

*No person but
only the Bargh
master shall
have any thing
to do with any
that is slaine in
the mine.*

*Of the lands
and cattells of
felons and fugi-
tives.*

And if any man be taken by occasion of any Article that be-
longeth to the Mine, he shall abide in the keeping of the Bargh-
master, and if he will be Mainprized, the paine shall be an hun-
dred shillings, to be brought again before the Steward at the
next Court of the Mine ; and if he that is Mainprized be at-
tainted of Fellonie in the Court, the Steward shall do to him
as the Law will upon the same place, if he will put him upon
the Miners.

And each trespassse of Oathes or blood-shed, shall be merced
at five shillings four pence, which four pence the Barghmaster
shall have.

And every other trespassse done upon the Minerie shall be fi-
ned at two pence, and that shall be paid to the Barghmaster,
the first day of Affirmment; or els the second day it shall be dou-
bled, and so from day to day till it come to five shillings foure
pence, and then the Barghmaster shall have the foure pence, and
the Lord the 5.s.

And the Miners and Merchants shall have weights for their
Lead, and measure for their Oare, at all times when they will,
and the Ministers to be ready at all times upon warning with-
out let of the Lord or of his Officers.

And if it happen that the Miners or any other be dead in the
grove or elsewhere, none Escheator nor Coroner, nor none other
Officer of the Lords shall meddle of Lands, Goods, nor Cat-
tells, of him that is slaine or dead by any mis-fortune, but only
the Barghmaster of the Mine.

And if any fellonie be done within the Fraunchise, by man-
slaughter, or fugitive of fellonie, or theft, or robbery, the Lands
and Cattells of Fellons and fugitives shall be forfeited (if they
have no better grace)

And

of the MYNERS.

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And if any Myner of his owne will underbeye his Neighbours meare, that then he shall fill his underbeyting with such as he got out, be it pure Myne or Bergh, or Beus. And be amerced at 5s. 4d. which 4d. the Barma-ster shall have.

And if any Myner, or other, take Costage of a Merchant, and may not find Myne to that Merchant, the which Merchant will make no more cost to find Oare in the same place; and after he labourerth, and findeth Myne to the profit of another Merchant; In that case, the first Merchant after such labour shall come; and if there be two or three, the same first Merchant that first made his Costage, shall have the third stone till he have received his Costages, and the other Merchant shall have the two parts for that the Myne was found at his Costages. *How the Myners debt shalbe payd.*

Also, the Myner and Merchant shall have free entrie and issue by all the Lordship to carry their Myne, and beare it whither they list without let of the Lord, or any of his Officers: but they shall give to the King for every Load 4d. for entrie and issue by his Lordship, and that is called *Copr.* And if any Myner or Merchant dye by mis-adventure under the earth, or be slaine by chance-medley, the Barma-ster shall see his bodie as Coroner, and let his body be buried without any other Coroner. *Libertie for the Myners and Merchants in respect of lot and Copr.*

And the Myners shall have for their lot and *Copr.* sufficient Tymber for their worke, without any pennie giving of the next Founder within the Kings Lordship. *The Barma-ster is Coroner for the Myne.*

Also, they shall have Water to wash their Myne, without any let for the said Lot and *Copr.* *Grove-tymber.*

And if the Lord will buy their Myne, for as much as any other man will give them he shall have their Myne afore all other men; and if he will not, they shall sell their Myne where they will to their most profit, without Impeachment or disturbance of the Lord, or any of his Ministers. In witnesse whereof, &c. *The Lord to have preeminence of the Myners Oare.*

The Liberties and Customes

These beene the Lawes and Customes of the *Myne*,
used in the Highest Peake, and in all other places through
England and *Wales*: For the which to be had, the Wise
Myners sued to our Lord the King, that he would con-
firme them by his Charter under his great Seale in way of
Charitie.

And for his profit, Forasmuch as the aforesaid *Myners*
beene at all times in perill of their deaths, and that they
have nothing in certaine but that which God of his grace
will send them.

William Debankes.

FINIS.

Cur

Cur. Magna Barmot. tent. apud
Wirksworth Coram Francisco Com.
Salop. xx die septembris, Anno Regni
Edwardi sexti &c. tertio.

Inquisitio Magna pro domino Rege Miner.
infra Wapentag prædicto per Sacram.

Jurors.	{	Nicholas Hydes.	}	Jurors.	{	William Bennit.
		Robert Cotton.				Thomas Steeple.
		Edri Rowbotham.				Thomas Wood.
		Hen. Storer.				James Hall.
		Will. Leigh.				Roger Gell.
		John Spencer.				John Storer.
		Thomas Bramwall.				Hen. Spencer.
		John Gratton.				Ralph Haughton.
		Jo. Somers.				Oliver Stonne.
		Richard Wigley.				Roger Malle.
		The Cock-shotte.				Edward Wyllie.

We doe present, and set downe paynes for the
Myners, as followeth :

1. We will, that the Lord of the Field shall make an able *Measures*
dish from this day forth betweene the Merchant buyer
and the seller ; and against everie good time , as Christmas,
and Whit-suntide, two able dishes, upon pain for everie time
wanting (if it be called for) to forfeit for everie time 3s. 4d.
to the King.

B 2

2. Also,

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For grounds
not justly
wrought.

2. Also, that the Lord of the Field Deputie, and the Barmaster, or his Deputie, shall goe everie weeke once or twice over the fields, and where they find any ground wrought wrongfully by any man, contrarie to the right and Custome of the Myne, then they shall take them up untill such time as the Law of the Barmoot hath determined it, or else the Barghmaster or his Deputie, according to the old Custome, shall put four or six honest men among the 24, that they may have the hearing of the matter betweene the parties, for to set an order for the same ground so wrought wrongfully, that the field be not stopped.

And whosoever disobeyeth this Article, to forfeit for everie time so doing 3s. 4d. or else to goe to the stocks (if he be a light person) & the 24 Myners shall ayde the Officers in so doing, according to the old Custome of the Myne.

To passe from
the Grove to
the Kings
High-way to
the water.
Touching the
the measuring
of poore mens
Oare.

3. Also, that the Barmaster, or his Deputie, shall able us the next way to the Kings High-way to the water with Oare, if any man stop us according to the Custome of the Myne.

4. Also, if there be any poore man, that hath any Oare under a load to mete, and give the Barmaster warning according to the Custome of the Myne, and cannot have the dish; then it shall be lawfull for such poore men to take two honest Neighbours, and deliver his Oare to whom it pleaseth him, paying the Church and King their duties.

Touching Oare
sealers.

5. Also, if the Barghmaster attatch any Oare, or his Deputie, which is stollen, he shall attatch the seller thereof, that he might have the Law of the Myne, according to the Charter.

Tygalls for
grounds in
variance.

6. Also, if there be any man that maketh any title to any mans grounds, contrarie to right, and it be tryed at the Law, He that is cast shall pay two shillings for the 12 mens dinners; and if he will not pay it, then the Barghmaster shall take so much Oare of him as commeth to two shil-

shillings, or else some other distresse if he be worth so much.

7. Also, that no Myner shall be amerced by the Bar-^{Not to be amerced.}maister, without lawfull warning.

8. Also, that no man shall mete without the Kings dish, ^{Of Oare un-}for if he doe, and be so taken, if it be above a load of ^{lawfull mea-}Oare, the Lord of the field shall have it; and if he be un-^{sured, & taken.}der a load, or a load, the Barmaister shall have it; if it be taken meteing, besides the dish, if he doe not call for the Kings dish according.

9. Also, that no man shall sue any Myners for any Oare-^{Concerning Oare-debt.}debt forth of the Barmoot Court; nor no Officer shall serve no Writ nor Warrant upon any Myner when he is at his worke upon the Myne, nor when the Myner cometh to the great Leets of the Barmoots but the Barmaister or his Deputie; and if any man sue for Oare-debt forth of the Barmoot Court, he shall lose the debt and pay the costs.

10. Also, the Barmaister shall keepe two great Courts ^{How the Courts ought to be kept.}everie yeare; and if need require, everie third weeke a Court, upon paine of 3s. 4d.

11. Also, if any Myners, by the grace of God, find ^{If a new field be found.}any new Rake or veine, the first finder shall have two meares, and the next meare after the Barmaister shall have for the King, according to the old Custome of the Myne, and everie taker after but one meare, and so the field to be occupied according to right and Custome.

12. Also, by the old Custome, Myners ought to have ^{Why lot is paid}Wood of the Kings Woods, to fflow and tymber their Groves under the earth and above, and therefore they pay lot to the King, for which they ought to have sufficient Wood of the Kings grounds that is next there to.

13. Also, if there be any man flaine or murdered upon the Myne within any Grove, neither Escheator, nor Co-^{How long crosses & holes shall hold possession,}roner, nor any other Officer shall meddle therewith but only the Barmaister.

14. Also, all new grounds, as Crosses, and Holes, that be

The Liberties and Customes :

No ground to
be measured
until it be freed
by the oare there
gotten.

not stowed nor yoked lawfully from the first day of *July*, or within three weeks and a day after next ensuing, that then it shall be lawfull for any man to take them and worke them lawfully; And no Crosses nor Holes shall stand no longer then a man may goe home and fetch his tooles to worke with, and timber to stow with; And the farthest day so standing to be three daies, and after the third day any Crosse or Hole shall be lawfull for any man to worke them lawfully.

15. Also, Wee say, that the Barmaister shall not measure any mans ground untill such time as the Myner hath oare gotten within the same ground, to free it with, or else it shall not be measured.

The buyers not
to touch the
dish.

16. Also, that no Merchant buyer of oare shall touch the Kings dish, nor put his hand therein to make his measure, but the Barmaister, or his deputie shall be indifferent betweene the Merchant buyer of the oare, and the seller.

That he which
is in possession
shall work, and
the Claymer
take his course
by law.

17. Also, that no man that is a Work-man, that doth Worke his ground truly, there shall no man come to claime his ground, and take him up to stop the field; But the first Work-man shall Work, and the Claimer take the Law, and the Barmaister shall doe him the Law truly.

Touching gages
and counterfeit
dishes, being
kept.

18. Also, no burner, nor any other deputie shall keepe no Counterfeit dish, nor gages in their Cooes nor Houses, but every man shall buy by the Kings dish, and no other dish used, upon paine for every dish, or gage so knowne, or taken, to forfeit for every time 6s. 8d. and the seller to forfeit his oare.

Touching Gen-
tlemen, and o-
ther mens
groves
unwrought.

19. Also, if any Gentleman, or other man have any ground lying in the Myre, called the Kings Field of the Mine, they shall keepe them lawfully with stowes and timber openly in all mens sight, betweene this and *Michaelmas* next to come, or else it shall be lawfull for any man to take and Worke them for their owne.

Against main-
tenance touch-
ing groves in
variance.

20. Also, wee lay a paine, that no person, nor persons, shall at any time from henceforth goe to any Gentleman, or any other man for to give, or sell any groves, or grounds

grounds in variance; for maintenance for every person so doing, to lose his said grove, or groves; And the taker of any such groves in variance, as aforesaid, to forfeit ten pounds to the King.

21. Also, if any person, or persons, from henceforth doe make any gage, or counterfeit the Kings measure, to mete, oare with; If it be a load, every such person, or persons so taken, shall forfeit for every time ten pounds, and his oare to the King.

*Touching mea-
sured by coun-
terfeit mea-
sures.*

Cur, Magna Barmock, Dom. Regis et Dom.
Reginæ tent. apud *Wirksworth*, 3. Die Maij
Annis Regni Philippi et Mariæ, dei gratia re-
gis et reginæ Angliæ, Hispaniæ, Fran-
ciæ &c. tertio & quarto.

Inquisitio magna, pro Dom: Rege & Dom. Regi-
nam pro Myner infra wapentag. prædict. secun-
dum consuetudinem ibid. usitat per
sacram.

	<i>Radi Cadman.</i>	
	<i>Hen. Smith.</i>	
	<i>Rich. Winfield.</i>	
	<i>Hen. Spencer.</i>	
	<i>Wil. Sanders.</i>	
	<i>Rich. Hilton.</i>	
Jur.	<i>Robert Alleyn, Senior.</i>	Jur.
	<i>Hen. Mycock.</i>	
	<i>John Steeple.</i>	
	<i>Wil. Ballance.</i>	
	<i>Tho. Bennet.</i>	
	<i>Tho. Berrie.</i>	

<i>John Wright.</i>
<i>Nichol. Sleightholme.</i>
<i>Laurence Supper.</i>
<i>Roger Marlee.</i>
<i>Roger Tippinge.</i>
<i>Rich. Wigsey.</i>
<i>John Norman.</i>
<i>Wil. Robotham.</i>
<i>Tho. Wood.</i>
<i>Tho. Needham.</i>
<i>John Pickock.</i>
<i>Tho. Iohnes.</i>

The Liberties and Customes

That the Lord
of the Field
shall provide a-
ble dishes.

1. Wee will, that the Lord of the Field, shall make for us, and all other *Myners*, an able dish from this time forth betweene the *Merchant* buyer, and the *Merchant* seller of oare, and against every good time, as *Christmas*, *Easter*, and *Whit-suntide*, two able dishes if need shall require, if they be called for upon paine for every time not so doing, to forfeit 3s. 4d.

No person shall
digge, or shovell
within 7 foot
of any mans
wash trough.

2. Also, wee lay a paine, that whereas every man that hath a washing trough of his owne, by the custome of the *Myne*, ought to have the space of seven foot about the said washing trough; that if any person shall digge, delve, or shovell nigh upon the said trough, within the said space, shall forfeit so oft as they shall so doe, 4d.

A paine touch-
ing purcassers

3. Also, wee lay a paine, that no person, or persons, shall purchase any oare in any mans ground, but in their owne; onely, except that the owners be upon the ground, upon paine to forfeit the oare to the owners of every such grounds, and 6d. to the King, and *Queene*, so oft as they shalbe taken therewith.

No person is to
digge, or delve,
or shovell, neere
any mans bing
place.

4. Also, that no person shall digge, delve, or shovell, at, or about any mans bing place, upon paine to forfeite for every time, 12d.

That the pur-
cassers shall al-
wayes give to
the *Myners* at
the wash
troughs.

5. Also, that no purcassers shall let, or stop any *Myners*, from any wash trough at any time, upon paine for every offence to forfeite 12d.

Two Neigh-
bours, in de-
fault of the
Barmaster, may
measure any
poore mans
oare if it be un-
der a load.

6. Also, wee present, and say upon our oathes, that the Custome of the *Mynes*, within the Wapentage of *Wirksworth*, is such, that if there be any poore *Myner*, or other person, that hath oare to be moulten under, one load, if the *Barmaster* have thereof knowledge, and will not come to the measure thereof upon reasonable request, and warning to him made, and given then, every such poore man may lawfully take two Neighbours, and deliver his oare to whom he will; so that the Church, the King, and *Queene*, have their lawfull duties for the same.

7. Also

7 Also that no person shall deliver any Oare besides the King and Queens Measure called the Dish, without Licence of the Barmafter or his Deputie, upon paine to forfeit for every time 2. s.

None to deliver any Oare besides the Kings Dish.

8 Also if any Accounts be commenced in the said Court of Barmote, by any person against any man for any grounds in variance, whosoever shall be condemned by Verdict of twelve men, or otherwise, or if a Pannell be sumned and thereupon doe appeare and be sworn to try the issue. If the Plaintiffe will not follow his suit, or if the Plaintiffe for his unjust sute, or the Defendant for the unjust defence of his unlawfull title shall be condemned, he shall pay 4. s. for the twelve mens dinners, and the Barmafter to lay forth the mony and he to leavy the same against the partie condemned.

That foure shillings be allowed for the twelve mens dinners, and the Barmafter is to lay it down.

9 Also that no Minor shall be amerced by the Steward of the said Court of Barmote; without lawfull Summons or Warning, upon paine for everie time 4. s. and the Barmafter to pay amercemnts.

No Minors to be merced without lawfull summons.

10 Also we lay a paine, that if any person or persons take away at any time any Stowes, Timber, Picke, or any other things concerning the occupation of the Mine, from any mans ground or Cowes, shall forfeit for everie time v. s. whereof 20. d. to the King and Queene, and 4. s. 4. d. to the partie greived.

A pain against Purloyners of any things belonging to the Groves.

11 Also we say upon our Oathes, that all grounds, as Crosses and holes that be not stowed nor yoked lawfully, from henceforth within three weeks and one day, that then it may be lawfull for any person or persons to take them and worke them lawfully. And no Crosse nor Hole shall stand nor prevaile any longer time then a man may goe home and fetch his tooles to worke withall, and timber to stowe with, and the farthermost day to be three dayes; and after the third day then every such Crosse and Hole shall be lawfull for all men to worke them to their most profit and advantage.

That Holes Crosses without timber and workmanshp, shall not hold possession of a Grove above three dayes.

C

12 Also

The Liberties and Customes

Wood and Water is to be allowed by the King, for which he receives for.

The Barmaster shall set forth a way nighest to the water. What places the Miners doe claime privilege to work in.

Any works within arrable Grounds and Meadows not daily wrought, may by the Occupiers of the same Lands and Meadows be filled.

Wherein a Miner is amerced.

No person for Oare, Debt, or Groves in variance; is not to be sued in any other Court then the Court of Barmote.

12 Also we say upon our Oaths that all Minors within the Wapentake of *Wirksworth* ought to have by Custome and Freedome thereof the next wood and water of the Kings and Queens to stow and timber their grounds under the earth and above. And therefore the Minors doe pay Lot to the King and Queene.

13 Also the Barmaster shall able the Minors the next way lying to the high way to the water (if they be stopped) upon paine for everie time. 12 d.

14 Also we do present and say upon our Oaths that it is lawfull for all the King & Queens Leige people to dig, delve, search, subvert & turne up all manner of Grounds, Lands, Meadwes, Closures, Pastures, Moores, and Marshes for Oare-Mine within the said Wapentake of *Wirksworth* of whose soever inheritance or possision they same be. But if any Arrable Grounds or Meadows be digged, delved, or subverted for Oare-Mine by any person, and not wrought lawfully, according to the Custome of the Mine, that then it may be lawfull to the inheritors or possessors of all such Arrable Grounds and Meadwes, onely so digged, delved, and subverted, or mined, the same to fit up againe at their owne wills and pleasure.

15 Also we doe present and say upon our Oathes, that the custome of the said Mine is such, that if any Miner be amerced at the Court of Barmote, the first time is 2. d. and so at everie Court, if such occasion insue, to double the same untill it shall amount to 5. s. 4. d. whereof 5. s. to the King and Queene and 4. d. to the Barmaster.

16 Also we doe present and say upon our Oathes, that the custome of the said Mine is such, that no person ought to sue any Miner for Oare, Debt, or for Oare or for any grounds in variance, but onely in the said Court of Barmote: And if any do to the contrarie they shall lose their debt and pay the charges in law, and that no officer

officer shall execute any Writ, Warrant, or Precept, upon any Minor being at his work upon the Mine, nor when the Miners shall come to the great Courts of Barmooote, but onely the Barmafter or his Deputie.

Touching Writs, Warrants, and Precepts.

17 Also that no person or persons shall buy Oare at any time or times unlawfully or unlawfully meaten, but the same to be done openly by the King and Queenes Measure called the Dish, upon paine for everie time so offending and taken therewith to forfeit 10. s. and the seller thereof the Oare.

Of buying Oare besides the Kings Dish.

18 Also we lay a paine that no person or persons from henceforth shal keep any Dish or counterfait measure in their houses, cowes, or in any other place: and that every person shall buy and sell their Oare by the Kings Dish, and none other to be had or used amongst them, and every buyer so offending for everie time to forfeit 10 s. and the seller to forfeit the Oare by any such unlawfull Measure so bought or sold.

No man is to keep any Dish, Gage, or counterfeit Measure.

19 Also that the Barmafter shall keepe two great Courts of Barmooote yearly at or about the feastes of Pasche, and Saint Michael the Archangell. And everie three weeks a small Court as need shall require, upon pain for every default 4. s. 4. d.

Of keeping of the Courts.

20 Also our custome is such, that if any Miner, by the Grace of God, doe find any new rake or vaine, the first finder ought to have two Measures, and the Barmafter ought to have the next Measure thereunto for the King and Queene, according to the custome of the Mine, and every one after so far as the said Rake will continue.

Custome of finding a new Rake or Vaine.

21 Also if it fortune or happen that any Miner be Slaine, Killed, Murdered, or Damped upon the Mine within any Grove, neither Escheator, Coroner, nor other officer ought to meddle thereupon but the Barghmafter or his Deputy.

The Barmafter is Coroner when any are slaine.

22 Also the Barmafter shall not Meat, nor Measure

The Barmafter any not to measure

The Liberties and Customes

Ground before it be freed

any mans ground, untill such time as there shall be Oare gotten within the same ground, and that when they free it, it shall be meaten.

The Merchant not to touch the Dish.

23 Also that the Merchant Buyer of the Oar shall not touch the Kings Dish or Measure, nor put his hand therein to the intent to make his Measure, but the Barmaister or his Deputy shall be indifferent betwixt the Merchant Buyer and Seller.

Against stopping the field.

24 Also that no workman shall come to any workman that doth worke his ground truely, by any colour to claime his ground or take him up to stop the Field of the Mine, but the first workman shall worke, and the Claimer take the Law, and the Barmaister shall do him Law.

For keeping of Grounds without stowes and timber.

25 Also, if there be any Gentleman or other man that hath any grounds lying in the Mine called, The Kings field of the Mine, they shall keep them in occupation with Stowes and Timber in all mens sight; or else it shall be lawfull for any man to worke them as their own, to their most profit and advantage.

That no person shall sell Groves in variance.

26 Also we lay a paine, that no person or persons shall goe to any Gentleman or other man, to give or sell any Grounds or Groves in variance for maintenance, in paine for every man so doing to forfeit the said grounds or groves, and the taker of them to forfeit ten pounds.

Against making any gage or counterfeit measure.

27 Also, if any person or persons from henceforth doe make any Gage or counterfeit Measure to meat any Oare with, if it be above a load, that every such person or persons so taken shall forfeit forty shillings; and if it be a load or under a load, the Barmaister ought to have the Oare.

Against bringing unlawfull weapons to the field.

28 Also we lay a paine, according to our custome, that no person shall bring any unlawfull weapons to the Mine, for every time 3.s. 4. d. and if any make an assault or a fray upon the Mine, every such person is ten pounds

pounds, and every blood maliciously shed against the King and Queens peace is an hundred shillings.

29 Also, we say upon our Oathes, That the custome of the Mine is such, that if any person or persons will make any title in or to any Groves, Grounds, Shafts, or Rakes, Vaines or Meares of Groves or Oare, ought to arrest the same, according to the old custome of the Mine: And the Defendants ought to be bound in sufficient bond, with sufficient sureties with him to the Plaintiffe or Claimers, not only to make answer at the next Court of the Berghmote to such action or actions as shall be attempted by the Plaintiffe or Claimers upon the said Arrestment, but also to yeeld so much Oare, or the value thereof to the Plaintiffes (if the Defendants bee cast or condemned by verdict of twelve men or otherwise.) And furthermore, we doe order in the Premises, That after such Arrestment made, the Barghmaster shall appoint a Court of Barmote within the space of ten dayes, or else as shortly after as he can or conveniently may: And if the Plaintiffe doe not follow and pursue his suit upon the said Arrestment, then he to lose to the Barmaster vi s. viii. d. and to lose his suit also, so the Barmaster keep a Court as is aforesaid. And if the Barmaster doe not keep a Court upon request to him to be made, then is he to forfeit for every Court not kept ten shillings.

30 Also we doe present and say upon our Oathes, that if any person or persons doe steale or feloniously do take away any Oare from any Grounds, Groves, Cowes, Houses, Boles, or Bolsteds, if it be under the value of 13. d. halfe peny, then the Barghmaster shall punish such Offenders in the Stocks, Pillory, or otherwise, as is fit for such offenders to be punished: And if any Oare be stolen above the value of 13. d. halfe peny, we say it is Felony: notwithstanding any surmised, fained, or imagined custome amongst us used to the contrary:

Concerning
Groves, or
Meares of
ground in
variance.

Concerning
stealing, or fel-
loniously ta-
king away of
Oare from any
Groves.

The Liberties and Customes

trary: And that all such persons, receiving, aiding, helping, or comforting such Offenders, knowing them to have committed such offences or Felonies, be accessory to the same.

*The Bargmaster
or his Deputy
walking the
Fields.*

31 Also, if there be any Minors which doe worke in any Meare, Grove, Shaft, Vaine, Rake or Grounds, according to the custome of the Mine aforesaid, for that we doe lay a paine, that no person or persons at any time or times, neither by day nor night shall cast in any of the said Grounds, howsoever they shall be wrought, upon paine for every offence ten pounds. For if any Grounds be not wrought lawfully, there is a Law for reformation to be had in such cases provided.

*That no man
shall cast in
any mans
Grounds.*

32 Also we will that the Lord of the Field, or his Deputy, and the Bargmaster or his Deputy, shall goe once a weeke once or twice over the Field, and where they finde any of these Articles not done, or any that doe offend in any of them, they shall doe their diligence to reforme the same: And if any of these paines bee broken or forfeited, they shall endeavour themselves and inquire thereof, and present the Offenders and Offences at the great Court of Barmote from time to time.

*Against Cas-
vers.*

33 Also we doe lay a paine, that no person or persons shall from henceforth Cave in any mans grounds, or elsewhere, upon paine to forfeit the Oare to them that will take the same from the Cavers, and they to forfeit for every offence to the King 6. d.

Declarat.

Declarat. present. & confirmat. fuer. verdict. Articulii per Sacram. Jurat super dic. die & Annis prædic. Coram Tho. Ballington Armiger, firmar. Dom. Regæ & Dom. Regine, ibid. Edvardo How Generose Le Barmaſter duor Regis & Regine modo & forma prædict.

34 The foure and twenty have concluded, That no man shall ſet of any old ancient worke, without the Barmaſter and two of the foure and twenty.

No man is to ſet on worke without the Barmaſter and two of the 24.

Per me, Frances Cotterrell.

William Drybankes.

Of the foure and twenty

FINIS
